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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/480,676

01/11/2000

Justin Che-I Chuang

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06/30/2004

AT&T CORP.

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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2681

14

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,676

Applicant(s)

CHUANG ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,24,25,27-31 and 34-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,24,25,27-31 and 34-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 22, 24, 25, 27-31, 34-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney, II et al. (U. S. Patent number 5,267,261) in view of Hamalainen et al. (U.S. Patent number 5,802,465).

Regarding claim 22, Blakeney, II et al. discloses essentially all the claimed invention as set forth in the instant application, further Blakeney, II et al. discloses mobile station assisted soft handoff in a cdma cellular communications system. Blakeney, II et al. further discloses a plurality of base stations connected to the telecommunications network (disclosed in column 4 lines 1-2), each base station configured to transmitting a pilot frequency signal corresponding to a downlink traffic channel (which reads on column 4 lines 2-5), and the pilot frequency signal being one of a plurality of pilot frequency signals respectively corresponding of the downlink traffic channels, and (column 3, lines 1-5). Furthermore, Blakeney, II et al. discloses the base station further configured to receive a list of preferred traffic channels (active set) generated by the wireless station (wireless station) based on detected levels of the pilot frequency signals at the wireless station (column 4, lines 6-15). However, Blakeney, II et al. does not disclose the base station transmits a data packet to the wireless station using the downlink traffic channel.

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In the same field of endeavor, Hamalainen et al. discloses a data transmission in a radio telephone network. Hamalainen et al. further discloses the base station transmits a data packet to the wireless station using the downlink traffic channel (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Blakeney, II et al. with the base station transmits a data packet to the wireless station using the downlink traffic channel taught by Hamalainen et al. for the purpose of selecting a channel with a better signal strength than the current one.

Regarding claims 24,25,27,28, 29, Blakeney, II et al. discloses everything claimed, as applied above (see claim 22), however, Blakeney, II et al. fails to discloses data packet at the wireless station using the assigned downlink traffic channel.

In the same field of endeavor, Hamalainen et al. discloses a data transmission in a radio telephone network. Hamalainen et al. further discloses data packet at the wireless station using the assigned downlink traffic channel (column 8, lines 1-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Blakeney, II et al. with the data packet at the wireless station using the assigned downlink traffic channel taught by Hamalainen et al. for the purpose of selecting a channel with a better signal strength than the current one.

Regarding claims 30, 31, the using of frames in a superframe is well known in the packet switching technology and the Examiner takes official notice of such, therefore it would have been obvious for a person skilled in the art at the time the invention was

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made to use one of the frames in a predetermined number of frames in a superframe. The motivation for doing so would have been to conform to a known standard.

Regarding claims 34 - 38, Blakeney, II et al. discloses a wireless station comprising a pilot frequency signal scanner (monitor) for scanning a frequency in response to the paging message for determining whether any downlink channels are available for downlink transmission to the wireless station the pilot frequency band having pilot frequency signals, each pilot frequency signal corresponding to a down link channel and a transmitter for transmitting a message indicating available downlink channels for downlink transmission.

In the same field of endeavor, Hamalainen et al. discloses a data transmission in a radio telephone network. Hamalainen et al. further discloses the base station transmits a data packet to the wireless station using the downlink traffic channel (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Blakeney, II et al. with the base station transmits a data packet to the wireless station using the downlink traffic channel taught by Hamalainen et al. for the purpose of selecting a channel with a better signal strength than the current one.

Regarding claims 40-42, 46-53, Blakeney, II et al. discloses as applied above, Blakeney, II et al., disclose base station comprising transmitting a paging message to a wireless station for downlink transmission from the base station to the wireless station, the paging message including information (which reads on column 4 lines 2-5) and receiving a list of preferred traffic channels from the wireless station for downlink

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transmission. However the combination fails to disclose transmits a data packet to the wireless station using the downlink traffic channel (abstract).

In the same field of endeavor, Hamalainen et al. discloses a data transmission in a radio telephone network. Hamalainen et al. further discloses the base station transmits a data packet to the wireless station using the downlink traffic channel (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Blakeney, II et al. with the base station transmits a data packet to the wireless station using the downlink traffic channel taught by Hamalainen et al. for the purpose of selecting a channel with a better signal strength than the current one.

Regarding claims,44, Blakeney, II et al. discloses everything claimed, as applied above (see claim 22) however, Blakeney, II et al. fails to specifically disclose the wireless station is a mobile station.

The examiner contends, however, that such a feature is well know in the art, and the examiner takes official notice as such.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Blakeney, II et al. with well known prior art as described above from the purpose of sending signals.

Regarding claims,45, Blakeney, II et al. discloses everything claimed, as applied above (see claim 22) however, Blakeney, II et al. fails to specifically disclose the wireless station is a fixed station.

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The examiner contends, however, that a wireless station being a fixed station is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Blakeney, II et al. with the teachings of well known prior art since such fixed stations are known to be widely used in the industry.

Response to Arguments

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hamalainen teaches the transmission of data packet using the downlink channel and one of ordinary skill would recognize the advantage of the transmission using traffic channel selecting a channel with a better signal strength than the current one regardless of it being a CDMA or TDMA system. The examiner stands by and restates the above rejection.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

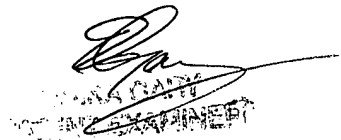
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
June 28, 2004

A handwritten signature in cursive script is positioned above a rectangular official stamp. The stamp contains the text "UNITED STATES PATENT AND TRADEMARK OFFICE" and "ELECTRONIC BUSINESS CENTER" in a grid-like format.